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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,640

04/03/2000

Frank J. Koch

007325-077

4650

7590

12/05/2003

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EXAMINER

VO, HIEN XUAN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/542,640

Applicant(s)

KOCH ET AL.

Examiner

Hien X. Vo

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/13/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-30 is/are allowed.
- 6) ☒ Claim(s) 31-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/03/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Notice to Applicant(s)***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin (01/19/1998).

With respect to claim 31, Peter Baldwin discloses a coating thickness data analyzer Elcometer 365 including obtaining a plurality of coating thickness values with a probe electrically connected to an electronic memory, recording in electronic memory the plurality a coating thickness values and recording in the electronic memory a plurality of descriptive data (see e.g. Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin.

With respect to claims 32-38, Peter Baldwin discloses the invention as claimed except for teaching PCMCIA memory card, the descriptive text data, transforming text handwritten on a computer screen and displaying a plurality of indicia on a graph on a video display screen. However, interfacing equipment with conventional computer using PCMCIA cards was known at the time the application was filed. Text is just one of a number of convenient forms of presenting data and the most convenient form for human operator. Therefore, it would be obvious to those of ordinary skill in the art to consider well known PCMCIA memory card and a known way of interfacing equipment with conventional computer and The Elcometer 3xx series when used in conjunction

with the EDCS system and the Dataputer system also enable coating thickness values to be stored in conjunction with descriptive data unit as well as enabling the data to be displayed graphically and text format.

5. Claims 39-45 are rejected under 35 U.S.C. § 103 as being unpatentable over the "Elcometer 365 information sheet" as Exhibit "K" from Affidavit of Peter Baldwin. further in view of Crozier (U.S. Patent No. 5,701,423).

With respect to claims 39-40 and 42-44, Elcometer 3xx series discloses the invention as claimed except teaching a number of different commercially available types of nondedicated, palm-size, personal computing devices that have a connector interface connector. However, Crozier discloses a method for mapping, translating data between disparate computer platforms including a handheld computers that has a standard interface such as PCMCIA slot to connect between disparate computer platforms to transfer the programs, database files (see e.g. col. 1, lines 23-65). Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to use the handheld computers of Crozier with the FNF probe module of the Elecometer 3xx series coating thickness gauge system in order, storage data and computer analysis data.

With respect to claims 41 and 45, Elcometer 3xx series discloses the invention as claimed except teaching the PDA's

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include a screen display interface. However, Crozier discloses a method for mapping, translating data between disparate computer platforms including a handheld computers with a screen display (see e.g. figs.5A-5B and 7-8 and col. 4, lines 25-35).

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to combine the teaching of Elcometer 3xx series with the handheld computer of Crozier because the screen display of the handheld computer is over a year and well known in the computer art.

#### ***Allowable Subject Matter***

6. Claims 1-30 allowed.

7. Applicant's arguments with respect to claims 1-45 filed on 08/13/2003 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

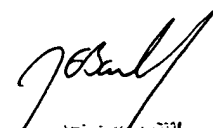
**or faxed to:**

(703) 308-7382 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington, VA.,  
Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703)308-0956.

**HIEN VO**  
December 01, 2003

  
JOHN BARLOW  
Supervisory Patent Examiner  
Technology Center 2800